SINGLE BENCH 4

P.R. No. 6190/05
Presented by Shri Rakesh Pandey
dated 1/12/05

(1)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

WRIT PETITION NO. 6124 OF 2005

PETITIONER

Rameshwar Prasad, S/o Shri Mannu Lal, Aged about 30 years, R/o Ward No.7 Champa, District Janjgir Champa (C.G.)

V E R S U S

RESPONDENTS

1. State of Chhattisgarh, through: The Secretary, Adim Jati Kalyan Vibhag, DKS Bhawan Raipur (C.G.)
2. The Managing Director, Chhattisgarh State Antyavasayi Sahkari Vikas Avam Vitt Nigam, Sector-5, Block -9 Devendra Nagar, Raipur, Distt. Raipur C.G.
3. The Collector, Janjgir Champa, District- Janjgir Champa C.G.
4. The District Antyavasayi Sahakari Vikas Samiti Maryadit, Branch Janjgir, District- Janjgir Champa C.G.
5. Sub Divisional Officer, (Revenue) Champa, District Janjgir Champa C.G.

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS/CERTIORARI ETC. OR DIRECTION/ORDER IN THE LIKE NATURE ETC.

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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 6124 of 2005

SINGLE BENCH : HON'BLE SHRI JUSTICE **S.R.NAYAK, C.J.**

PETITIONER

Rameshwar Prasad
S/o Shri Mannu Lal,
aged about 30 years,
R/o Ward No. 7 Champa,
District Janjgir Champa (C.G.).

VERSUS

RESPONDENTS

1. State of Chhattisgarh,
through: The Secretary, Adim Jati Kalyan Vibhag, DKS Bhawan Raipur (C.G.).
2. The Managing Director,
Chhattisgarh State Antyavasayi Sahakari Vikas Avam Vitt Nigam, Sector-5, Block-9 Devendra Nagar, Raipur, District Raipur (C.G.).
3. The Collector,
Janjgir Champa, District-Janjgir Champa (C.G.).
4. The District Antyavasayi Sahakari Vikas Samiti Maryadit, Branch Janjgir, District-Janjgir Champa (C.G.)
5. Sub Divisional Officer, (Revenue)
Champa, District Janjgir Champa (C.G.).

Mr. Rakesh Pandey, counsel for the petitioner.

Mr. Utkarsh Verma, Panel lawyer for the respondents/State.

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ORAL ORDER

(9th December, 2005)

There is an error apparent on the face of the order of the District Collector impugned in this Writ Petition. It is quite apparent that the District Collector has passed the impugned order without issuing notice to the petitioner, and without giving opportunity of being heard to him. Affected should be appraised is a constitutional creed flowing from Article 14 postulates. There is a flagrant violation of principles of natural justice and the impugned order, therefore, cannot be sustained. In the result, the impugned order is quashed. However, this order shall not come in the way of the Collector from taking appropriate action against the petitioner and after giving him an opportunity of being heard.

Accordingly, the Writ Petition is allowed. No costs.

Sd/-
Chief Justice